

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: SPECIALIZED SERVICES FOR THE BLIND,
VISUALLY IMPAIRED AND DEAFBLIND

PART 730
ILLINOIS CENTER FOR REHABILITATION AND
EDUCATION/COMMUNITY SERVICES FOR THE
BLIND, VISUALLY IMPAIRED AND DEAFBLIND

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AUTHORITY: Implementing and authorized by Sections 3(b), (f) and (k) and 12 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), (k) and 12].

SOURCE: Adopted at 10 Ill. Reg. 6853, effective April 7, 1986; amended at 15 Ill. Reg. 6265, effective April 15, 1991; Section repealed at 17 Ill. Reg. 425, effective December 18, 1992; emergency amendment at 17 Ill. Reg. 11745, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20419, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; recodified Subpart D at 42 Ill. Reg. 6514; amended at 42 Ill. Reg. 16243, effective August 7, 2018; emergency amendment at 45 Ill. Reg. 11894, effective September 16, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: ELIGIBILITY

Section 730.15 COVID-19 Vaccination of Illinois Center for Rehabilitation and Education Wood, ICRE-W Personnel

a) For the purposes of this Section:

- 1) "Facility" means the Illinois Center for Rehabilitation and Education Wood (ICRE-W).
- 2) "Staff" or "staff person" means any person who is employed by, volunteers for, or is contracted to provide services for a facility, or is employed by an entity that is contracted to provide services to a facility, and is in close contact (fewer than 6 feet) with other persons in the facility for more than 15 minutes at least once a week on a regular basis as determined by the facility. The term "staff" or "staff person" does not include any person who is present at the facility for only a short period of time and whose moments of close physical proximity to others on-site are fleeting (e.g., contractors making deliveries to a site where they remain physically distanced from others or briefly entering a site to pick up a shipment).
- 3) "COVID-19 vaccine" means a vaccine for COVID-19 that has been authorized for emergency use, licensed, or otherwise approved by the U.S. Food and Drug Administration (FDA).

4) An individual is "fully vaccinated against COVID-19" two weeks after receiving the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA, or two weeks after receiving a single-dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA.

b) Facility shall require all staff to be fully vaccinated against COVID-19 or be tested in a manner consistent with the requirements of subsection (c).

1) Facility shall require staff who are not fully vaccinated against COVID-19 to have, at a minimum, the first dose of a two-dose vaccination series or a single-dose vaccination by September 19, 2021, and the second dose within 30 days following administration of their first dose in a two-dose vaccination series, or be tested consistent with the requirements of subsection (c).

2) Facility staff starting employment after the effective date of Executive Order 2021-22 must receive, at a minimum, the first dose of a two-dose vaccine series or a single dose vaccine within 10 days after their start date at the facility, and if applicable, the second dose of a two-dose COVID-19 vaccine series within 30 days after administration of their first dose, or be tested consistent with the requirements of subsection (c).

3) Facility shall require staff who are fully vaccinated against COVID-19 to submit proof of full vaccination against COVID-19. Proof of vaccination may be met by providing to the facility one of the following:

A) A Centers for Disease Control and Prevention (CDC) COVID-19 vaccination record card or photo of the card;

B) Documentation of vaccination from a health care provider or electronic health record; or

C) State immunization records.

4) Facility shall make available opportunities for staff to be fully vaccinated against COVID-19, either directly at the facility or indirectly, such as through an arrangement with a pharmacy partner, local health department, or other appropriate health entity.

5) Facility shall exempt individual staff members from the requirement that all staff be fully vaccinated against COVID-19 if:

- A) Vaccination is medically contraindicated, including any individual staff member who is entitled to an accommodation under the Americans with Disabilities Act or any other law applicable to a disability-related reasonable accommodation; or
- B) Vaccination would require the individual staff member to violate or forgo a sincerely held religious belief, practice, or observance.
- 6) Staff that fall within the exemption in subsection (b)(4) shall undergo the testing requirements set forth in subsection (c).
- 7) Facilities may adopt more stringent policies requiring all staff to be vaccinated. Nothing in the Section supersedes or modifies the date such policies are designated by the facility to take effect.
- c) Beginning September 19, 2021, except as provided in subsection (d), facility shall require its staff who are not fully vaccinated against COVID-19 to undergo testing for COVID-19, weekly, at a minimum. If staff who are not fully vaccinated against COVID-19 are not tested as required by this subsection, the staff shall not be permitted to enter or work at the facility.
- 1) The COVID-19 test shall either have Emergency Use Authorization by the FDA or be operated pursuant to the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.
- 2) If a staff person tests positive for COVID-19, the facility shall exclude the staff person from the facility, and the staff person shall be subject to all applicable isolation and quarantine rules and facility policies.
- 3) Staff who are not fully vaccinated may be permitted to enter or work at the facility while they are waiting to receive the results of their weekly test.
- 4) When the facility is located in a county of high or substantial transmission, as indicated by the CDC COVID 19 Integrated County View, available at <https://covid.cdc.gov/covid-data-tracker/#county-view>, the facility shall require its staff who are not fully vaccinated against COVID-19 to undergo testing for COVID-19, twice weekly, with tests administered at least two days apart as long as the county in which the facility is located remains in a high or substantial transmission status.
- e) Facility shall ensure that all individuals who administer the COVID-19 vaccines on site for staff pursuant to this Section are qualified and trained to administer the

vaccine in accordance with all applicable federal and State laws and rules.

f) Facility shall post conspicuous signage throughout the facility notifying staff that the facility makes available opportunities for staff to be fully vaccinated against COVID-19. The signs shall be on 8.5 by 11-inch white paper, with text in Calibri (body) font and 26-point type in black letters.

g) Within 14 days after the adoption of these emergency amendments, facility shall provide its unvaccinated staff a minimum of 90 minutes of clear and accurate instruction covering vaccine education, effectiveness, benefits, risks, common reactions, hesitancy, and misinformation. Records of training shall be made available to the Department upon request. Examples of Department-approved training and educational resources include those offered for health care professionals by the:

- 1) CDC, available at <https://www.cdc.gov/vaccines/covid-19/training-education/index.html>;
- 2) FDA, available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>;
- 3) Immunization Action Coalition (IAC), available at <https://immunize.org/>; and
- 4) Mayo Clinic, available at <https://ce.mayo.edu/online-education/content/covid-19-vaccines-myths-mysteries-misinformation-myopia-and-miracles-online-cme-course> and <https://ce.mayo.edu/online-education/content/covid-19-vaccine-education-and-debunking-myth-online-cme-course>

h) Facility shall maintain a record of fully vaccinated staff, unvaccinated staff, and weekly testing.

i) The facility shall maintain documentation in staff person's confidential medical file, in accordance with federal and state privacy laws, regarding COVID-19 vaccinations and tests, including the following:

- 1) Proof of vaccination for the staff person;
- 2) The results of COVID-19 tests for staff person; and
- 3) Written declination of the vaccination if offered by the facility.

j) Nothing in this emergency amendment prohibits any facility from implementing vaccination or testing requirements for staff, residents, and visitors that exceed the requirements of this Section.

(Source: Added at 46 Ill. Reg. _____, effective _____)